

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7629**

**BILL NUMBER: HB 1703**

**DATE PREPARED:** Mar 3, 1999

**BILL AMENDED:** Mar 2, 1999

**SUBJECT:** Psychological evaluation of children bringing guns to school or on a school bus.

**FISCAL ANALYST:** Susan Preble

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- (1) That for purposes of expulsion from school a student who brings a firearm or deadly weapon onto a school bus or possesses the item on a school bus is considered to be on school property;
- (2) Requires a school employee to notify in writing the school superintendent or superintendent's designee if a student is or has been in possession of a firearm on school property, at a school function, or on a school bus;
- (3) Requires a school superintendent or designee who receives such written notification to notify a law enforcement agency;
- (4) Allows a child less than 10 years of age who is taken into custody for possession of a firearm on school property, at school function, or on a school bus to be held in detention until a detention hearing;
- (5) Requires detention if the child is at least 10 years of age;
- (6) Requires the parents of a child held in detention to be immediately notified of the charges against the child, the child's location, and the date, time, and place of the detention hearing;
- (7) Requires a court to order a psychological evaluation of the child by a licensed physician or clinical psychologist to determine if the child is a danger to the child or others;
- (8) That a psychologist who is an employee of or who has a contractual obligation with the school may not conduct the psychological evaluation without the express written consent of the child's parents;
- (9) Requires the person conducting the evaluation to provide a report to the court before the detention hearing or other time specified by the court if the child is not held in detention; and
- (10) Specifies that the provisions regarding expulsion and detention of students possessing firearms or deadly weapons do not apply to students of nonpublic schools.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** See Local Expenditures.

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill requires a school administrator or other employee to notify in writing the school superintendent or superintendent's designee if a student is or has been in possession of a firearm on school property, at a school function, or on a school bus a local law enforcement agency if a student is or has been in possession of a firearm on school property or a school bus. It requires a school superintendent or designee who receives such written notification to notify a law enforcement agency.

It also requires a child who is taken into custody for possession of a firearm on school property or a school bus to be held in detention until a detention hearing can be held.

The bill requires the parents of a child held in detention to be immediately notified of the charges against the child, the child's location, and the date, time, and place of the detention hearing;

If the student is under 16 years of age, the juvenile court has jurisdiction, unless it agrees to waive its jurisdiction to adult court at the request of the prosecuting attorney. This juvenile will be detained in one of the 20 juvenile detention centers until a detention hearing is conducted. A child under the age of twelve may not be detained in an adult Department of Correction facility.

If the student is 16 years old or over, the offense mandates that the juvenile court has no jurisdiction. In this case, since the student would be directly referred to adult court, they will most likely be detained in a local juvenile detention center until a bed is available in a Department of Correction facility for juveniles. If there is no other place to detain a juvenile, they can be held in jail for up to 6 hours for processing, but sight and sound separation from the adult population is required.

Based on the information in the table below and assuming children 16 years of age and older are in grades 10-12, 198 children would have been directly referred to adult court, and 330 would have remained under the juvenile court's jurisdiction. Based on past history, we might expect to see similar statistics in the future.

<b>1996-1997 Indiana Public School Expulsions for Deadly Weapons/Firearms by Grade</b>															
	<b>PK</b>	<b>KG</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>Total</b>
<b>Deadly Weapons (other than firearms)</b>				2	5	2	8	16	38	54	62	50	22	14	273
<b>Handguns</b>					2	1		2	7	11	23	14	7	5	72
<b>Rifles or Shotguns</b>						1					2	4	1	4	12
<b>Other Firearms</b>				1		2	2	4	22	15	48	41	28	8	171
<b>Totals</b>				<b>3</b>	<b>7</b>	<b>6</b>	<b>10</b>	<b>22</b>	<b>67</b>	<b>80</b>	<b>135</b>	<b>109</b>	<b>58</b>	<b>31</b>	<b>528</b>

There are a total of 20 juvenile detention centers throughout the state in the following counties: Allen,

Bartholomew, Clark, Dearborn, Delaware, Elkhart, Grant, Hamilton, Henry, Howard, Johnson, Knox, Lake, LaPorte, Madison, Marion, Porter, St. Joseph, Vanderburgh and Vigo. The centers are operated by the county and costs associated with the centers are paid out of the county general fund.

This bill also requires the court to order a psychological evaluation of the child by a licensed physician or clinical psychologist to determine if the child is a danger to the child or others. Most court-ordered psychological evaluations of juveniles are conducted by private psychologists or physicians and the cost is paid by the parents of the child. If the parents are unable to pay, many courts will order that the cost of the evaluation be paid by the Local Office of Family and Children. A court ordered psychological evaluation can cost from \$150-600, depending on the number of hours the evaluation requires and the medical professional's billing rate.

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Prosecuting attorneys; courts; local law enforcement; jails; Local Offices of Family and Children.

**Information Sources:** Judge Sally Gray, Senior Judge, Putnam Superior Court, (765) 653-2658; Paul Downing, Department of Correction, (317) 233-6666; Bill Glick, Juvenile Justice Task Force, (317) 926-6100; Terry Spradlin, Department of Education, (317) 232-6671; Dwayne James, Department of Education, (317) 232-0821; Stephen Johnson, Prosecuting Attorneys Council, (317) 232-1836; Gary Chavers, Marion County Juvenile Deputy Prosecuting Attorney, (317) 327-5963; IC 31-30-1-4 (for list of offenses which mandate direct referral to adult criminal court); Magistrate John Shanahan, Porter Circuit Court, (219) 465-3651.